GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Disputes.—Industrial Dispute between the Workmen and the management of Divakara Saw Mills, Chikmagalur.

Award of the District Judge and *Ex-Officio* Presiding Officer, Labour Court, Chikmagalur—Published.

Read the following papers :—

(1) Letter No. 10026/1970, dated 8th December 1970 from Sri S.B. Sawkar, District Judge and *Ex-Officio*, Presiding Officer, Labour Court, Chikamagalur.

IN THE COURT OF THE DISTRICT JUDGE AND EX-OFFICIO PRESIDING OFFICER, LABOUR COURT CHIKMAGALUR

Dated 8th December 1970.

Present Sri S B. Sawkar, L L.B.,
District Judge and *Ex-Officio* Presiding Officer.

Reference No. 3 of 1970.

Ist Party

Sri Jaffarsab and others, represented by the Secretary, Karnataka Pradesh Plantation and General Labour Union, Chikmagalur,

Vs.

IInd Party

Management of Divakara Saw Mills, Chikamagalur.

The Government of Mysore in their order No. FCL 746 LLD 67, dated 29th November 1967, have referred an Industrial Dispute existing between the above named parties to the Labour Court at Bangalore, and it was registered there as Reference No. 80/57. Subsequently as per order of Government in FCL 82 LLD 69, dated 18th November 1969, transferred the same to this Court from the Labour Court at Bangalore. Thereafter the reference was registered in this Court as reference No.3/70 on 19th January 1970

ORDER

This is reference made by the Governmet of Mysore, under the provisions of section 10 of the Industrial Disptes Act, 1947, of the disputes between the first party Sri Jaffersab and others, represented by the Secretary, Karnatak Pradesh Plantation and General Labour Union, Chikmagalur, and party No 2, The Management of Divakara Saw Mills, Chikmagalur.

2. The points of dispute are as under :—

1. Whether Sriyuths :—1. Jaffersab, 2. Purushottam, 3. Jayappa. 4. T. S. Raju, 5. S. Ameen Peer, 6 A. Lathief, 7. Rangappa, 8. Kasim 9. A. S. Ahmed, 10. Ameer Baig, 11. S. Ahmed, 12. C. R. Raju and 13. S. Sharif, are the workman of Divakara Saw Mills, Chikamagaulur; if so, whether the management is justified in refusing work to all the said workmen; If so, what other releif if any the said workmen are entitled ?

2. Whether all workmen of Divakara Saw Mills, Chikmagalur, who have struck work in pursuance of their demand of rein statement of above 13 workmen with effect from 4th October 1967 are entitled for wages for the period of strike?

3. After the parties were served with the notices of the reference on 24th February 1970, the second party sought for an adjournment. The case was posted to 30th March 1970. On 30th March 1970. it was again adjourned for evidence to 25th May 1970. The first party had filed a memo praying for issue of witness Summous to the witnesses mentioned therin on 30th March 1970 and it was allowed if batta was paid. On 26th May 1970, the first party sought for time as the Secretary was absent and it was adjourned to 13th July 1970 On 13th July 1970 also it was further adjourned to 22nd August 1970. On 22nd August 1970, it was again adjourned to 30th October 1970 On 30th October 1970 it was adjourned at the request of first party to 4th November 1970. On 4th November 1970, the first party and Secretary both were absent when the case was called out and it was again adjourned to 28th November 1970, for orders. Thus on 4th November 1970, neither the first party nor the second party was present in court. It was for the first party to substantiate its case and the point of dispute in order to enable it to get the necessary relief sought for. When the first party has failed to substantiate the same and when it has remained absent on the date of hearing, the only alternative left for me is to reject the reference I, therefore, pass the following order.